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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,215	03/23/2004	Yong-jin Ahn	1293.1278C6	1661
49455 7590 04/24/2007 STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			EXAMINER CHOW, LIXI	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 04/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/806,215

Applicant(s)

AHN ET AL.

Examiner

Lixi Chow

Art Unit

2627

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 April 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 20 and 22.
Claim(s) objected to: 3, 6 and 17.
Claim(s) rejected: 1, 2, 7, 9, 10, 12-16, 18, 19 and 21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☒ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

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SUPERVISORY PATENT EXAMINER

Note 11: Applicant's arguments filed 4/09/07 have been fully considered but they are not persuasive. Applicant argues with respect to Ichihara that "col. 6, lines 64 to col. 7, line 1 suggests that adjustment are made to the timing and the bias power level (Pc1 or Pc2) between the first pulse (i.e., the first pulse Pa) and an off pulse (i.e., the pulse level Pc2) of the amorphous mark, but not to the period before the first pulse of the amorphous mark". Specifically, Applicant argues that Ichihara does not disclose the power level of the period between the recording and the erase pattern to be a high power level Pc1, because col. 6, lines 64 to col. 7, line 1 only suggests the power level between the first pulse and an off pulse of the amorphous mark. However, Examiner interprets the "timing between the first pulse and the last off pulse during creation of an amorphous mark" to include the "period" as recited in the claims. To support this, Applicant is invited to evaluate the first set of recording pulses in Fig. 1B. As shown in the figure, the power level of the first pulse of the first set of the recording pulses is changed from Pc2 to Pa. Along with the examples provided in col. 6, line 66 to col. 7, line 1, it is clear that the power of the first pulse of the recording pulses (which is similar to the period as claimed by Applicant) can be at Pc1, which is the high power level of the erase pattern. Fig. 4 of Ichihara is strictly referring to the erase pattern of Fig. 1B. In view of the examples suggested in the passage, Examiner firmly believes that there are other curve profiles that would have achieved the same intended result. Therefore, the argument "the profile C could not be achieved..." is not convincing.


In addition to the remarks, Applicant also submitted a Declaration under Rule 132 from Kyung-geun Lee explaining details of col. 6, lines 64 to col. 7, line 1, and teaching of Ichihara. While Examiner agrees with Mr. Lee's statement in section 3-a to 3-b of the Declaration, however, Examiner respectfully disagrees with Mr. Lee's interpretation provided in section 3-c to 3-e. Namely, Examiner construes the "time between the first pulse and the last off pulse during creation of the amorphous mark" to include the "period" as claimed (see Fig. 1B and reasons above).

Accordingly, arguments with respect to claim 19 are not persuasive, and claim 19 is not patentable over Ichihara.

Applicant also argues that Ichihara does not cure the deficiency of Ohno, i.e., the power level of a period between an end point of the second pulses and a start point of the first pulses is the high power level of the multi-pulse. However, for the similar reasons as above, Examiner respectfully disagrees. Furthermore, Applicant submits that Ichihara teaches away from using a low power lead pulse, since Ichihara teaches using a high power lead pulse. This argument seems to treat the references separately, whereas the teaching of Ohno and Ichihara should be taken as a whole. Although Ichihara teaches the power level of the leading pulse of the erase pattern to be a high power level, which is different from the teaching of Ohno; however, the advantage of having the power level of the period as suggested in col. 6, line 64 to col. 7, line 5 would have motivated one of ordinary skill in the art to use the suggested power level of the period along with any type of power level of the leading pulse of the erase pattern. The main focus of Ichihara is to provide a multi-pulse erase pattern having multiple power levels instead of the conventional type erase pattern having one power level. Therefore, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Ohno and Ichihara, since Ichihara clearly shows the benefit of adjusting the power level of the period between the end of the erase pattern and the start of the recording pattern.

Accordingly, claims 1, 2, 9, 10 and 12-16 are not patentable over Ohno in view of Ichihara.

In regards to claims 20 and 22, these claims are amended to include the allowable subject matter that was indicated in the Final Office Action. Thus, claims 20 and 22 are allowed.



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